

Planning Commission Communication

CASE #SUB-13-004

Applicant: All Remodeling, Inc.
Mark McKeever
P.O. Box 1827
Council Bluffs, IA 51502

Owner: Wooded Lake Mobile Home
Park, Limited LTD
6795 E. Tennessee Avenue
Denver, CO 80224

Representative: Petersen Law, PLLC
Deborah L. Petersen
The Creston House
215 South Main Street, Suite 301
Council Bluffs, IA 51503

Planning Commission:
August 8, 2017

Subject/Title

Request: Fourth Request - Extension of time - Preliminary Subdivision Plan - North Lake Village Subdivision

Background/Discussion

The Community Development Department has received a request from Deborah L. Petersen, Petersen Law, PLLC, for a third extension of time relative to the preliminary plan approval of North Lake Village Subdivision. The request was received prior to the expiration previously granted. Section 14.11.060 (05) states:

Within one year from the day the council approves a preliminary plan, the subdivider shall apply for final plat approval, or the first part thereof if phased. If the subdivision is phased, the subdivider shall apply for final plat approval of the second phase within two years, the third phase within three years, the fourth phase and the balance thereof within five years from the date the preliminary plan was approved by the city council. If the subdivider fails to apply for final plat approval within the appropriate time period, the preliminary plan, or remaining phase thereof, shall be void unless the subdivider requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased.

The City Council approved the preliminary subdivision plan by Resolution No. 13-204 on August 12, 2013. The preliminary subdivision plan initially was set to expire on August 12, 2014 and was granted an extension until August 12, 2015. A second request for extension was granted extended the filing deadline until August 12, 2016. A third request for extension was granted extending the filing deadline until August 12, 2017. The applicant does not anticipate filing a final plat prior to the expiration. Section 14.11.060 (06) provides a mechanism to grant an extension of time as follows:

The commission may grant one year extensions from the date required for submission of a final plat or any part thereof if phased. If a subdivider applies for an extension of time for submission of any part of a phased subdivision, which is subsequently granted by the commission, equal extensions

are automatically granted for each of the remaining phases. If the commission refused to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof, if phased, to the commission within the appropriate time originally required or sixty days from the day the extension is denied by the commission. In reviewing a request for extension of time, the commission shall consider whether the subdivision is in compliance with the subdivision ordinance, standards for public improvements, comprehensive plan, and all applicable ordinances and resolutions of the city of Council Bluffs."

Recommendation

The Community Development Department recommends approval of a fourth, one year extension of time to file the final plat of North Lake Village Subdivision, as approved by Resolution No. 13-204. The expiration date of the preliminary plan will be August 12, 2018.

Prepared by: Rose E. Brown, AICP, Planning Coordinator